

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

LISA KAY MADRU

PLAINTIFF

VS.

CIVIL ACTION NO.: 2:12CV00189-JMV

**COMMISSIONER OF SOCIAL
SECURITY**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for Disability Insurance Benefits and Supplemental Security Income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's ruling from the bench following the parties' oral argument, the court finds that meaningful judicial review is impossible because despite the ALJ's acknowledging receipt of Dr. Forster Ruhl's mental Medical Source Statement during the hearing— and receiving it into evidence— and the fact that the record indicates that plaintiff's counsel also submitted this evidence to the Appeals Council, the court did not find it in the administrative record, nor was it discussed by either the ALJ or the Appeals Council in their respective decisions. Therefore, it is highly likely that the said opinion was not considered by the Commissioner. Additionally, there is no indication that the ALJ actually considered the April 2011 *physical* Medical Source Statement of Dr. Ruhl. Again, there was no discussion of

this opinion in the ALJ's decision. On remand, the ALJ is directed to consider Dr. Ruhl's mental and physical Medical Source Statements– along with all of the evidence in the record– and conduct any additional proceedings not inconsistent with this order. The ALJ shall not neglect to discuss the weight assigned to Dr. Ruhl's opinions, and the reasons supporting such assignment, in the new decision.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 4th day of June, 2013.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE